

# Their American Citizenship in the Balance Against a Title

## The Burke Roche Twins Must Decide Whether One of Them Wants To Be an Englishman

A THIRD American will be added to the British peerage as soon as the Burke Roche twins can make up their minds which one is to take the title of Baron Fermoy. The two American peers at present are Lord Lyndhurst and Lord Fairfax, one of Boston and the other of Virginia. They are of the English peerage.

The new Baron Fermoy will be a New Yorker with an Irish title. He is at present a member of the Lackawanna Railroad organization or of the First National Bank. His name may be Maurice or Francis. He may be a minute older or one minute younger than his brother. He was traveling in Europe on November 2 or he voted in this city and his American citizenship is recognized by American courts while his British citizenship is recognized by British courts.

### Like Twin Vases

He and his brother are like a pair of twin Chinese vases of the Ming period. They are unique. There have been twins born in the peerage before, but this is the first time they have been able to flip a coin for the title. Heretofore the minute's or five minutes' difference in the time of birth has settled the question without their being consulted. This uniqueness which is theirs is more or less an inherent quality and is due to their grandfather, their mother and their father. Their grandfather and mother have been called unique. Their father always said their father ran true to type. The point was disputed between them for many years.

The dispute arose over the marriage of their father and their mother. James Boothby Burke Roche, second son of the first Baron Fermoy, was born in 1852 and came to America in 1878 and 1879 on a big game hunting expedition in Wyoming and the neighboring states. Miss Frances E. Work, daughter of Frank Work, Wall Street operator and sportsman, was one of the beauties of New York society of that time. Against the strong opposition of her father she married Burke Roche.

Frank Work never hesitated to express his opinion of his son-in-law. According to him, Burke Roche was an impetuous Irishman who married Frances Work because of her father's millions.

### Sued for a Divorce

There might have been easy sailing from then on if it had not been that Frank Work was self-willed and irascible and developed a deadly antagonism to all things not American.

### Wouldn't Buy Estate

The third result of Burke Roche's suit to have the British courts declare him not divorced did not ap-

peared until the great war had begun. Maurice Burke Roche then wanted to go to the first Plattsburg camp and the question of his citizenship was brought up. Before it was decided it was too late for him to be admitted to Plattsburg, but the decision was that as his mother had obtained a divorce and returned to her American citizenship her sons were American citizens. When America entered the war in 1917 Maurice Burke Roche entered the Harvard officers' training camp, while Francis got a commission as an ensign in the Naval Reserve. But although the American courts called the two boys American citizens the British courts, because they did not recognize the American divorce, called them British subjects.

Long before this happened, however, their mother was in trouble with her father again. At Christmas, 1905, she had left her father's house for a few days because of a difference of opinion. There was some discussion of the amount of money she spent, but the chief trouble was that she did not want to have all her meals in the dining room, while her father insisted that she should. Mrs. Burke Roche left the paternal roof and went to the Hotel Buckingham, but friends patched up the quarrel and in a few days she was back home.

### Was a British Citizen

Burke Roche made Burke's Peerage a co-defendant in the libel action and got from the British court a declaration that Frances Work by marrying James Boothby Burke Roche became a British citizen and could only be divorced by a British court under British law. Hence the Delaware action was merely a pleasant farce, so far as British courts were concerned, and Burke Roche was not a divorced man. The immediate result, so far as Burke Roche was concerned, was that he was elected to Parliament and remained a member of the House of Commons until 1900.

But there were other results. One of them was that in 1906, when Cynthia Burke Roche decided to marry Arthur Burden, she took out American citizenship papers. Another result was that in the same year Burke Roche inserted in the Paris papers a notice to the effect that he would not be responsible for his wife's debts. He did this at the time that Mrs. Burke Roche and her daughter were in Paris on a shopping trip for the daughter's wedding. Frank Work in New York was furious.

### Wed a Professional Whip

The next summer came the big fight. Cynthia was married in the

spring, and in July Mrs. Burke Roche surprised society by the announcement of her marriage to Aurel Batonyi, a Hungarian professional whip. He was well known both in New York and Newport, where he had taught many society women to drive, and had been in Mr. Work's employ. Mr. Work had grown to fear that his daughter would marry Batonyi and made all kinds of threats to prevent the marriage. After the announcement he

carried out his threats by adding another codicil to his will disinheriting his daughter. That codicil was never revoked, though after she divorced Batonyi two years later he did add a clause permitting his executors to make some provision for her if she were in need.

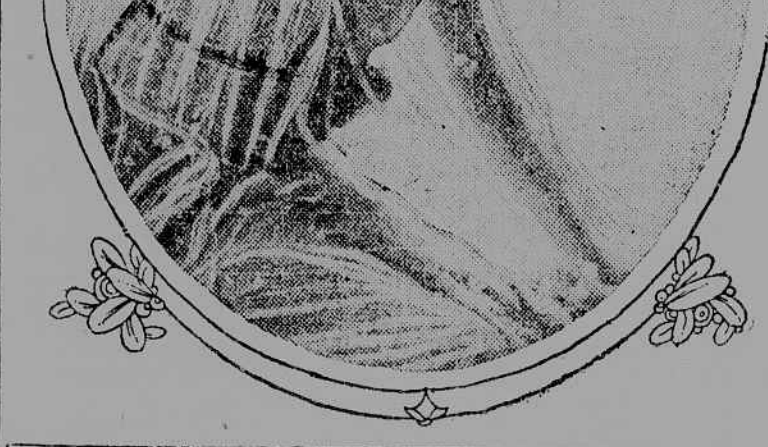
When their mother married Batonyi the two boys were at Harvard. Soon after they were graduated both went to work. Mr. Work, who was a director of the Lackawanna line, got Maurice a position in the Lackawanna offices, while Francis went to work in the First National Bank. They were both holding down their jobs when their grandfather died, in 1911, at the age of ninety-two years, and the amazing provisions of his will with its codicils were made public when the will was probated.

The estate amounted to nearly \$15,000,000, and it was found that Mrs. Hewitt, having married an American, received her share unconditionally. The tying up came with the shares of Mrs. Burke Roche and her children. At first she had been down for an income of \$80,000 a year. This was cut to \$12,000 a year and then cut off entirely, though a fourteenth codicil said:

"I direct that my executors shall at all times keep careful watch over



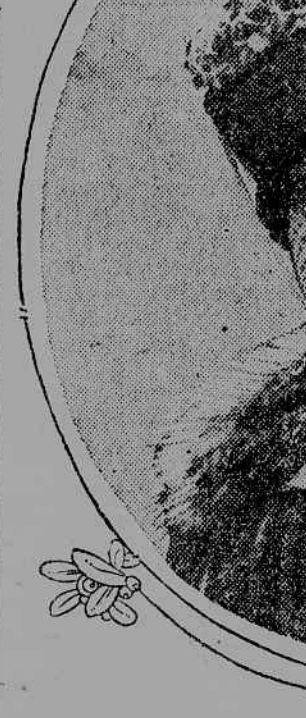
THE Burke Roche twins. One of them is heir to the title of Baron Fermoy. Maurice, the one to the left, was born first and is the real heir, but he may relinquish it in favor of Francis



MRS. ARTHUR SCOTT BURDEN, who was Miss Cynthia Burke Roche, sister of the twins



MRS. BURKE ROCHE, mother of the Burke Roche twins. She was Miss Frances E. Work



MRS. BURKE ROCHE, mother of the Burke Roche twins. She was Miss Frances E. Work

## Maurice, the Older by a Few Minutes, Is the Real Heir, but May Relinquish His Claim

Work, shall share equally in the residue of the estate, provided that they become American citizens within a year of my death, take the name of Work and keep a permanent legal residence in the United States."

### One codicil said:

"I hereby direct that my daughter, Frances Ellen Burke Roche, shall not in any manner contribute to the living expenses of James B. Burke Roche, or make or cause any payments of money to him or for his benefit, directly or indirectly, and that her children shall not in the lifetime of the said Burke Roche

Kingdom of Great Britain and Ireland, or the continents of Europe, Asia and Africa."

### Defied the Will

Within a few weeks after their grandfather's death the Burke Roche twins calmly sailed for England and professed utter indifference as to what happened to them as far as his will was concerned. They continued to go to England every year to see their father and to go any place they wanted to in the wide world, especially any place in Europe. Moreover, they did not change their names to Work within the stipulated year but continued and still remain Burke Roche. Nor did they suffer in their pockets by this independent conduct.

No public announcement was ever made of how they were thus able to defy the autocratic Frank Work, but it became known that as the will made no bequests outside of the family, and hence only the family was concerned with what became of Frank Work's money, the family would do as it pleased with the \$15,000,000 he had left. And it pleased them to divide it up a little themselves, by no means forgetting Mrs. Frances Ellen Burke Roche, with no strings attached as to names, travels, places of residence or citizenship.

### Heir to the Title

But now comes the final overthrow of all his plans. Two months ago, September 3, James Boothby Burke Roche's brother, second Baron Fermoy, died without heirs of his body, and the father of the Burke Roche twins became third Baron Fermoy and possessor of the 20,000-acre estate at Rockbarton, County Limerick. October 30 he died in London and left it to the toss of a coin which of the grandsons of Frank Work, Anglophobe, should become fourth Baron Fermoy.

In the natural course of events Maurice would be the heir, but when he was asked if he intended to accept the title and estate he replied:

"I don't know how to answer that question, for I don't know myself. My twin brother, Francis, who will inherit the title and estate in case I decide to remain in America, is now abroad. I have cabled him to investigate the details. It is a very unusual situation that I have been placed in. I shall have to make up my mind whether I shall accept the estate or remain loyal to my American associations."

my daughter Frances Ellen, and should she separate from Batonyi, and may be in need, I direct them to make suitable provision for her support, and in such case to set aside a sum from my estate sufficient in their judgment for this purpose."

### Ordered His Name Taken

Regarding the boys the will said: "I direct that my grandchildren, Edmund Maurice Burke Roche and Francis George Burke Roche, sons of my daughter, Frances Ellen

reside in, or visit, the Kingdom of Great Britain and Ireland or any part thereof, and shall not live with or under the control, as their persons or property, of said Burke Roche."

### Another codicil said:

"I do hereby expressly will and provide that my daughter, Frances Ellen, and her children shall not during my lifetime, without my express consent, nor at any time after my death, visit or reside in the

## The Three Zoological Wishes—By Booth Tarkington

(Continued from preceding page)

men grandly imperturbable on the running boards. "Fire!" Florence cried joyfully. "Let's go!" And, passing in an instant, she made off up the street, thrillingly shouting at the top of her voice: "Fire! Fire! Fire! Fire!"

Herbert followed. He was not so swift a runner as she, though this he never submitted to a test which he admitted to be either fair or conclusive; and he found her demonstration of superiority particularly offensive now, when she called back over her shoulder: "Why don't you keep up with me? Can't you keep up?"

"I'd show you!" he panted. "If I didn't have to lug this old basket, I'd leave you a mile behind mighty quick."

"Well, why'n't you drop it, then?" "You s'pose I'm goin' to throw my section away after all the trouble I been through with it?" She slackened her gait, dropping back beside him. "Well, then, if you think you could keep up with me if you didn't have it, why'n't you leave it somewhere and come back and get it after the fire's over?"

"No place to leave it?" She laughed and pointed to a big, old-fashioned brick house that stood in an ample yard a few hundred feet ahead of them and across the street. "There's grandpa's. Why'n't you leave it there?"

"Will you wait for me and start fast?" "Come on!" They obliged across the street, still running forward, and at their grandfather's gate Herbert turned and sped toward the house.

"Take it around to the kitchen and give it to Kitty Silver," Florence called. "Tell Kitty Silver to take care of it for you."

But Florence was skipping lightly toward the next block, and she caroled tauntingly over her shoulder, waving her hand in mocking farewell as she began to run: "Ole Mister Sloppoke can't catch me! Ole Mister Sloppoke couldn't catch a flea!"

"I'll show you!" he bellowed, and, not to lose time by the trip round the house to Kitty Silver's kitchen and the return, he dashed up the steps of the deserted front porch, thrust the basket deeply underneath a wicker settee, and ran violently after his elusive cousin.

She kept a tantalizing distance between them which his greatest fury of speed was unable to decrease, but when they got to the fire it was such a grand one they forgot all their differences—and also all about the basket.

THAT Noble Dill, whom Florence in her inexplicable moods so sweetly championed, came forth from his father's house after dinner this evening, a youth in blossom, like the shrubberies and garden beds in the dim yards up and down the street. All cooled and bathed and in a new suit, he took his thrilled walk through the deep summer twilight, on his way to that ineffable Front Porch where sat Julia, misty in the dusk. The new moon had perished naively out of the sky; the final pinkness of the west was gone, blue evening held the quiet world, and overhead, between the branches of the maple shade trees, clustered all of those bright pin points of light that were to twinkle on generations of young lovers after Noble Dill, and all, like Noble, walking this same fragrant path in summer twilight to see the Prettiest Girl in Town!

Now and then there came to the gently throbbing ears of the pedestrian a murmur of voices from where citizens sat cooling on their lawns after the day's labor, or a tinkle of laughter from where maidens (not being Julia) sat on porches abysmally vacant of beauty and glamour. For these poor things

Noble felt a wondering and disdainful pity; he pitied and disdained everything in the world that was not on the way to starchy Julia.

Eight nights had gone by since he himself had seen her—a vacuum of all life, caused by the eccentricity of her supremely peculiar old father; but to-day she had replied (over the telephone) that Mr. Atwater seemed to have settled down again, after some recent agitation caused by Noble's trying to do him a striking favor, and that she believed it might be no breach of tact for Noble to call that evening—especially as she would be out on the porch and he needn't ring the bell. Would she be alone—for once? It was improbable, yet it could be hoped.

But as Noble came hoping up the street, another already sat beside Julia, sharing with her the wicker settee on the dim porch. This was Newland Sanders, the horn-rimmed young college poet. He usually had a poem with him; and as it happened that others too frequently proved they could sit on Julia's porch as long as he could, he had formed the habit of seizing the first opportunity to familiarize her with his latest work.

THE porch was dark, and to go indoors to the light might have involved too close a juxtaposition to peculiar old Mr. Atwater, who usually sat in the library reading either Darwin or detective stories, and hating animals, violets, and Julia's callers. But the resourceful Newland, foreseeing everything, had brought with him a small pocket flashlight to illumine his manuscript. "It's *vers libre*," he said as he moved the flashlight over the sheets of scribbled paper. "I think I told you I was beginning to take that up. It's the new movement, and I felt I ought to master it."

whispered. I think it sounds more musical that way, I mean." Newland obeyed. His voice was hushed and profoundly appreciative of the music in itself and in his *vers libre*, as he read:

*I—And Love!*  
Lush white lilies line the pool  
Like lace knitted on looking-glasses!  
I tread the lilies underfoot,  
Careless how they love me,  
Still white maidens woo me,  
Win me not!  
But Thou!  
Thou art a cornflower,  
Sapphire-eyed!

I bend!  
Cornflower, I ask a question:  
O Julia, speak—

Julia spoke. "I'm afraid," she said, while Newland's spirit flitted with a bitterness extraordinary even in an interrupted poet—"I'm afraid it's Mr. Dill coming up the walk. We'll have to postpone." She rose and went to the steps to greet the approaching guest. "How nice of you to come!"

Noble, remaining on the lowest step, gulped and clung to her hand in a sudden fever. "Nice to come!" he said hoarsely. "It's eight days—eight days—eight days since!"

"Mr. Sanders is here," she said. "It's so dark on this porch people can hardly see each other. Come up and sit with us. I don't have to introduce you two men to each other."

"What?" Newland demanded hotly. "What did you say?" "I said: 'How's poetry?' Do you still read it to all your relations the way you used to?"

"See here, Dill!" "Well, what you want, Sanders?" "You try to talk about things you understand," said Newland. "You better keep your mind on collecting \$4 a week from some poor ole darky widow, and don't!"

"I'd rather keep my mind on that!" Noble was inspired to retort. "Your Aunt Georgina told my mother that ever since you began thinkin' you could write poetry the life your family led was just!"

Newland interrupted. He knew the improper thing his Aunt Georgina had said, and he was again, and doubly, infuriated by the prospect of its repetition here. He began fiercely: "Dill, you see here—" "Your Aunt Georgina said—" Both voices had risen. Plainly it was time for some one to say: "Gentlemen! Gentlemen!" Julia glanced anxiously through the darkness of the room beyond the open window beside her, to where the light of the library lamp shone upon a door ajar; and she was the more nervous because Noble, in his agitation, had lit an Orduma cigarette, and the smell of Orduma cigarettes meant almost infallibly a disaster to Mr. Atwater's nerves.

SHE laughed amiably, as if the two young gentlemen were as amiable as she. "I've thought of something," she said. "Let's take the settee and some chairs down on the lawn where we can sit and see the moon."

"There isn't any," Noble remarked vacantly.

"Let's go anyhow," she said cheerily. "Come on." Her purpose was effected: the bel-ligerents were diverted, and Noble picked up the settee. "I'll carry this," he said. "It's no trouble; that is, if a man's got some muscle. Sanders can carry a chair—I guess he'd be equal to that much." He stumbled, dropped the settee, and lifted a basket, its contents covered with a news-

paper. Somebody must have—"What is it?"

"It's a basket," said Noble. "How curious!"

Julia peered through the darkness. "I wonder who could have left that market basket out here on the porch. I suppose—" She paused. "Our cook does do more idiotic things than I'll go ask her."

She stepped quickly into the house, leaving two portentous concentrations of inimical silence behind her, but she returned almost immediately, followed, at a rapid waddle, through the hall and out upon the porch by a talking colored woman of lateral dimensions believed by her friends and admirers to be unique. "It's no use to argue, Kitty Silver," Julia was saying as they came. "You did your marketing and simply and plainly left it out there because you were too shiftless to—"

"No'm," Kitty Silver protested in a high voice of defensive complaint—"no'm, Miss Julia, I ain't lef' no basket on no front poche! I got jus' the market baskets in the livin' worl', an' they ev'ry las' one an' all sittin' right where I kin lay my han's on 'em behime my back do'. No'm, Miss Julia, I take my solemn oaf I ain't lef' no—" But here she debouched upon the porch, and in spite of the darkness perceived herself to be in the presence of two white gentlemen and callers. "Pahnd me," she said, her tone altered at once to suit these grandees. "I beg leaf to insis' I better take this here basket back to my kitchen an' see whut-all's insiden of it."

With an elegant gesture she received the basket from Noble Dill and took the handle over her ample forearm. "Hum!" she said. "This here ole basket kine o' heavy, too. I wunner whut-all she has got in her!" And she groped within the basket, beneath the newspaper.

It was the breath of Mrs. Kitty Silver's life to linger, when she could, in a high social atmosphere; she was a powerful gossip, and exorbitantly interested in her young mistresses' affairs and all callers. Therefore it was beyond her not to seize

upon, or manufacture, excuses which might detain her for any time whatever in her present exciting and delightful surroundings.

"Pusservv jugs," she said ruminatingly. "Pusservv or pickle. Can't tell which."

"You can when you take them to the kitchen," Julia said, with pointed suggestion. "Of course you can't in the dark."

But still Kitty Silver snatched at the fleeting moment and did not go. "Tell by smellin' 'em," she murmured, seemingly to herself.

With ease she unscrewed the top of one of the jars, and then held the open jar to her nose. "Don't smell to me exactly like no pusservv," she said. "Nor yit like no pickles. Don't smell to me—" She hesitated, then inquired in a voice suddenly grown anxious: "What is all this here in this here jug? Seems like to me—"

But here she interrupted herself, breaking off her coherent remarks to utter a muffled and alarming sound. Instantly afterward the three young people were startled to hear her expressed unguessed emotions in words suitable to religious observances, but in a voice of incredible loudness and passion. At the same time, with a splendid gesture, she hurled both jar and basket from her. They struck the wall, not far away, with a notable crashing of glass.

"Why, what?" Julia began. "Kitty Silver, are you crazy?" But Kitty Silver, with a dancing motion sinister to see, in one so vast, was approaching the open front door. There a light appeared, simultaneously with Mr. Atwater in his most irascible state of peculiarity. He began: "What is this heathenish—"

Shouting, Mrs. Silver jostled him, and though she disappeared into the house, a great continuous noise marked where she went, like a trail of explosion and catastrophe. "What thing has happened?" Mr. Atwater demanded. "In the first place, I smelled cig—" His daughter interrupted him convulsively.

"Oh!" was all she said, and seemed to clutch at her knee. Then, with no more than fragments of words, she ran by him like a bit of blown thistle down and into the house. He grasped at her as she passed him; then suddenly shuddered and made other clutching gestures. "What in the—" Abruptly he abandoned his question and smote the back of his neck; then repeatedly smote nothingness, and attempted flight in the air without plane or engine. Like Kitty Silver, he used ceremonial words and Jacobean phrases, employing the full power of his virility.

Mr. Atwater's calisthenics and oratory formed the finest possible exhibition of youthful versatility renewed—but now there were no spectators, for Noble Dill and Newland Sanders, after thoughtlessly following a mutual and natural impulse to step over and examine the fallen basket, had decided to go home.

HALF an hour later Miss Florence Atwater decided that she had made a grave mistake when she allowed Herbert to persuade her to go inside their grandfather's house to complain of the condition in which they found the c'lection—or, rather, the fragmentary former housing of it—on the porch. And yet, two of Florence's whimsical and dreamy three wishes of the afternoon had been fulfilled in all particulars. The fish man had not given them \$5 for the c'lection, it is true, but the c'lection had indeed been useful to Noble Dill, for Mr. Atwater had smelled the smell of an Orduma cigarette and was just on the point of coming out to take harsh measures, when the c'lection interfered. Not only this, but as neither she nor Herbert needed the slightest gift of prophecy to comprehend after only a few moments of general interview with their grandfather and their Aunt Julia and Kitty Silver, it was absolutely clear and certain that they had done something with the c'lection which they would never forget as long as they lived.

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